

# Supreme Court of Kentucky


## ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND  
PROCEDURE FOR THE 46TH JUDICIAL DISTRICT COURT,  
BRECKINRIDGE, GRAYSON, AND MEADE COUNTIES**

Upon recommendation of the Judges of the 46th Judicial District,  
Breckinridge, Grayson, and Meade counties, and being otherwise sufficiently  
advised,

The Local Rules of Practice and Procedure for the 46th Judicial District,  
Breckinridge, Grayson, and Meade counties, are hereby approved. This order  
shall be effective as of the date of this Order, and shall remain in effect until  
further orders of this Court.

Entered this the 28th day of June 2012.

  
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CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF PRACTICE AND PROCEDURE  
46TH JUDICIAL DISTRICT  
BRECKINRIDGE, GRAYSON & MEADE DISTRICT COURTS**

**RULE 1 - INTRODUCTION/ADMINISTRATIVE PROCEDURE**

**101** - These rules apply to the practice of law in the Breckinridge, Grayson and Meade District Courts, both civil and criminal practices, and are intended to supplement the Kentucky Rules of Civil Procedure (CR), the Kentucky Rules of Criminal Procedure (RCr), and the Kentucky Family Court Rules of Procedure and Practice (FCRPP). These rules shall be enforced in all divisions of District Court.

**102 - Effective Date**

All rules of practice heretofore adopted by this Court shall be repealed and the following rules shall take effect and be in force 30 days after the Kentucky Supreme Court's approval of same.

**103 – Citation**

These rules shall be cited as the 46<sup>th</sup> Judicial District Court Practice and Procedure (46<sup>th</sup> DCR).

**104 - Holidays**

The 46<sup>th</sup> Judicial District shall follow the Kentucky Court of Justice holiday schedule.

**105 –Divisions**

- A. Division I of the 46th Judicial District shall preside in Breckinridge and Grayson counties in odd numbered months and in Meade County in even numbered months.
- B. Division II of the 46th Judicial District shall preside in Meade County in odd numbered months and in Breckinridge and Grayson counties in even numbered months.

**106 – Chief Judge**

Pursuant to SCR 1.040(2), the judges shall, by agreement, designate one (1) among themselves to serve as Chief Administrative Judge.

## **107 - Modification of Rules**

The Chief Administrative Judge of the 46th Judicial District may for good cause and/or in the interest of justice, at any time and without notice, modify or suspend any or all of these rules which modification or suspension shall have immediate effect, subject to approval by the Kentucky Supreme Court when required.

Unless otherwise provided, any amendment, deletions from, additions or modifications to these rules shall take effect thirty (30) days after the adoption thereof and the Kentucky Supreme Court's approval of same.

## **RULE 2 – COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING**

### **201 – Sessions of Court**

- A. The District Court will convene in Breckinridge County on each Monday afternoon and Tuesday. The Court docket times (CST) in Breckinridge County on the regularly scheduled Court days are:

<b>Monday</b>	1:00 p.m.	Short probate matters/juvenile court.
<b>Tuesday</b>	9:00 a.m.	Criminal arraignments/pre-trials;
	10:30 a.m.	Preliminary hearings;
	1:00 p.m.	Domestic violence, child support/paternity matters, civil motions, small claims, probate matters, suppression hearings, and bench trials.

- B. The District Court will convene in Grayson County on Wednesday and Thursday of each week. The Court docket times (CST) in Grayson County on the regularly scheduled Court days are:

<b>Wednesday</b>	9:00 a.m.	Small claims/any juvenile matter except adjudication hearings;
	1:00 p.m.	Any other juvenile matters and all adjudication hearings.
<b>Thursday</b>	8:30 a.m.	Pre-trial conferences;
	9:00 a.m.	Arraignments;
	11:00 a.m.	Probate matters, Forcible detainers and other civil motions;
	1:00 p.m.	Domestic violence, child support, preliminary hearings, bench trials and suppression hearings.

- C. The District Court will convene in Meade County on each Tuesday and Wednesday. The Court docket times (EST) in Meade County on the regularly scheduled Court days are:

<b>Tuesday</b>	9:00 a.m.	Juvenile court;
	11:30 a.m.	Child support matters;
	1:00 p.m.	Probate; Small claims, forcible detainers, miscellaneous civil motions;
	2:00 p.m.	Bench trials.
<b>Wednesday</b>	9:00 a.m.	Pre-trial conferences/arraignments; guilty pleas;
	1:00 p.m.	Domestic violence; preliminary/suppression hearings.

**202** - Jury trials shall commence at 9:00 a.m., local prevailing time, unless otherwise set within these rules or by Court order. Counsel shall be present by 8:30 a.m., local prevailing time, on the first day of any jury trial.

### **203 – Exception to Regular Motion Hour Schedule**

Exceptions to the regular motion hour schedule shall be at the discretion of the sitting District Judge.

### **204 – Docket Deadline**

Except for good cause shown, all motions to be heard on regularly scheduled court days must be filed with the Clerk of the Court where the matter is to be heard no later than close of business on the 3rd business day preceding said court day. (**Grayson**-preceding Monday; **Breckinridge**-preceding Thursday; **Meade**-preceding Friday). This rule is not intended and does not modify the applicable procedural rules regarding notice; this rule is adopted solely for docketing purposes. IF THE MOTION IS NOT FILED BY THE ALLOTTED TIME, IT WILL BE RESCHEDULED FOR THE FOLLOWING WEEK.

## **RULE 3 – DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY**

### **301 – Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol**

The Twenty-four (24) Hour Accessibility to Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol for the 46<sup>th</sup> Judicial Circuit and District is located in Appendix A to these local rules and incorporated as if set out fully herein.

## **RULE 4 – PATERNITY**

**401** – See FCRPP 14 and 15. There are no local rules relating to paternity in the District Court of the 46<sup>th</sup> Judicial District.

## **RULE 5 – DEPENDENCY, NEGLECT AND ABUSE**

**501** - See FCRPP 16-31. There are no local rules relating to DNA in the District Court of the 46<sup>th</sup> Judicial District.

## **RULE 6 – STATUS OFFENSES**

**601** - See FCRPP 37 - 44. There are no local rules relating to status offenses in the District Court of the 46<sup>th</sup> Judicial District.

## **RULE 7 – MISCELLANEOUS RULES RELATING TO FAMILY LAW PRACTICE**

### **701 – Identification of Counsel or Party Required**

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper. A rubber stamp shall not be deemed a signature either under this Rule or CR 11.

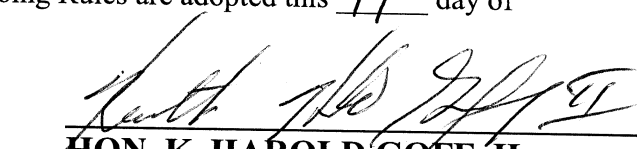
### **702 – Protection of Personal Identifiers**

A. In addition, all pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court.

As used in this section, “personal identifier” means a Social Security number or tax-payer identification number, date of birth, or financial account number.

B. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by these Rules and by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

Upon submission to and approval by the Chief Justice of the Supreme Court of the Commonwealth of Kentucky, the foregoing Rules are adopted this 19 day of April, 2012.



**HON. K. HAROLD GOFF, II**  
District Judge, Division I  
46th Judicial District



**HON. SHAN F. EMBRY**  
District Judge, Division II  
46th Judicial District

## **APPENDIX A**

### **TWENTY-FOUR (24) HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 46<sup>TH</sup> JUDICIAL CIRCUIT AND DISTRICT BRECKINRIDGE, GRAYSON & MEADE COUNTIES**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

#### **I. UNIFORM PROTOCOL FOR PROCESSING CASES**

A. Circuit Court Clerks shall process domestic violence cases in accordance with the procedures set for the in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.

B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.

C. Domestic Violence matters may be reassigned from the district court division to circuit court when there is a dissolution/custody proceeding pending.

D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.

E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

If it is discovered at any time that a dissolution or child custody proceeding is pending in another circuit in the Commonwealth.

Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

## **II. TWENTY-FOUR HOUR ACCESSIBILITY**

A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours:

Circuit Court Clerk and all sworn deputies; County Attorney and all appointed staff; Chiefs of Police and sworn officers; Sheriff and all sworn deputies; KSP and all assigned troopers.

C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

Circuit Court Clerk's Office for the county in which the petition is filed.

D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to the following:

The district judge or in his/her absence, the Trial Commissioner, or in their absence to the Circuit Judge or in his/her absence to any duly appointed Special District or Circuit Judge of the Commonwealth of Kentucky; all of whom may issue an emergency protective order if applicable.

E. Petitions will be reviewed within an hour of presentation to a Judge or Trial Commissioner unless it is impossible due to the unavailability of a Judge or Trial Commissioner.

F. The schedule for domestic violence hearing is as follows:

Breckinridge District Court	Tuesday, 1:00 p.m., CST
Grayson District Court	Thursday, 1:00 p.m., CST
Meade District Court	Wednesday, 1:00 p.m., EST

## **III. CONTEMPT PROCEEDINGS**

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order shall be mutually exclusive.



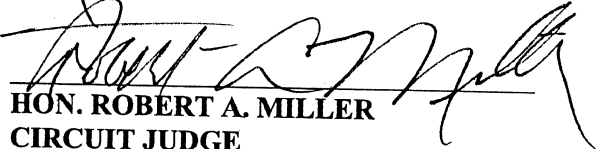
B. Petitioners seeking to initiate contempt proceedings should contact:

Circuit Court Clerk or the County Attorney.

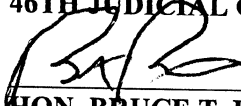
C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

The above protocol is adopted by all Judges in the Circuit/District.

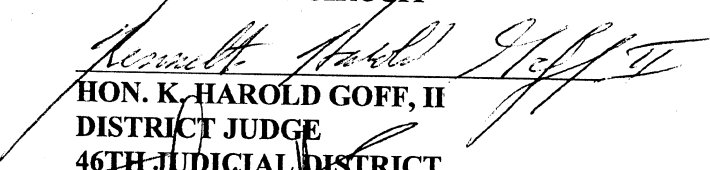
THIS THE 27 DAY OF March, 2012




HON. ROBERT A. MILLER  
CIRCUIT JUDGE  
46TH JUDICIAL CIRCUIT



HON. BRUCE T. BUTLER  
CIRCUIT JUDGE  
46TH JUDICIAL CIRCUIT



HON. K. HAROLD GOFF, II  
DISTRICT JUDGE  
46TH JUDICIAL DISTRICT



HON. SHAN F. EMBRY  
DISTRICT JUDGE  
46TH JUDICIAL DISTRICT